



February 15, 2005

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## HOUSE BILL No. 1777

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DIGEST OF HB 1777 (Updated February 9, 2005 11:49 am - DI 113)

**Citations Affected:** IC 33-34; IC 33-37; IC 33-38.

**Synopsis:** Judicial compensation. Increases the annual salaries of local judges and appellate court judges. Establishes a judicial salaries fee of \$19 to be collected in certain civil actions and certain criminal, infraction, and ordinance violation actions. Provides for the judicial salaries fee to be deposited in the state general fund.

**Effective:** July 1, 2005.

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**Foley, Richardson, Torr, Kuzman,  
Ulmer, Bosma**

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January 19, 2005, read first time and referred to Committee on Judiciary.  
February 1, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.  
February 14, 2005, reported — Do Pass.

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HB 1777—LS 7681/DI 75+



February 15, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1777

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004,  
2 SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS  
3 CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs  
5 apply to cases in the small claims court:  
6 (1) A township docket fee of five dollars (\$5) plus forty-five  
7 percent (45%) of the infraction or ordinance violation costs fee  
8 under IC 33-37-4-2.  
9 (2) The bailiff's service of process by registered or certified mail  
10 fee of thirteen dollars (\$13) for each service.  
11 (3) The cost for the personal service of process by the bailiff or  
12 other process server of thirteen dollars (\$13) for each service.  
13 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3  
14 to be taxed and charged in the circuit court.  
15 (5) A redocketing fee, if any, of five dollars (\$5).  
16 (6) A document storage fee under IC 33-37-5-20.  
17 (7) An automated record keeping fee under IC 33-37-5-21.

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(8) A late fee, if any, under IC 33-37-5-22.

(9) *A judicial administration fee under IC 33-37-5-21.2.*

~~(10)~~ *A judicial insurance adjustment fee under IC 33-37-5-25.*

**(11) A judicial salaries fee under IC 33-37-5-26.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 2. IC 33-37-4-1, AS AMENDED BY P.L.85-2004, SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway work zone fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).

*(15) A judicial administration fee under (IC 33-37-5-21.2).*

~~(15)~~ **(16)** *A judicial insurance adjustment fee under*

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(IC 33-37-5-25).

**(17) A judicial salaries fee (IC 33-37-5-26).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 3. IC 33-37-4-2, AS AMENDED BY P.L.85-2004, SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in

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subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(5) A highway work zone fee (IC 33-37-5-14).

(6) A deferred prosecution fee (IC 33-37-5-17).

(7) A jury fee (~~IC 33-19-6-17~~) (IC 33-37-5-19).

(8) A document storage fee (IC 33-37-5-20).

(9) An automated record keeping fee (IC 33-37-5-21).

(10) A late payment fee (IC 33-37-5-22).

*(11) A judicial administration fee under (IC 33-37-5-21.2).*

~~(11)~~ **(12) A judicial insurance adjustment fee under (IC 33-37-5-25).**

**(13) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

(1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

(3) The deferral program fee (subsection e).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

(1) The defendant was charged with an ordinance violation subject to IC 33-36.

(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated

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under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 4. IC 33-37-4-3, AS AMENDED BY P.L.85-2004, SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).

(2) IC 31-37 (delinquent children).

(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(6) A document storage fee (IC 33-37-5-20).

(7) An automated record keeping fee (IC 33-37-5-21).

(8) A late payment fee (IC 33-37-5-22).

(9) *A judicial administration fee under (IC 33-37-5-21.2).*

~~(9)~~ **(10) A judicial insurance adjustment fee under**

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(IC 33-37-5-25).

**(11) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

(1) The marijuana eradication program fee (IC 33-37-5-7).

(2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 5. IC 33-37-4-4, AS AMENDED BY P.L.85-2004, SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

(5) Proceedings in small claims court under IC 33-34.

(6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

~~(5) A judicial administration fee under (IC 33-37-5-21.2).~~

~~(5)(6) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

**(7) A judicial salaries fee (IC 33-37-5-26).**

SECTION 6. IC 33-37-4-6, AS AMENDED BY P.L.85-2004, SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action, the clerk shall collect from the party filing the action both of the

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following fees:

(1) A small claims costs fee of thirty-five dollars (\$35).

(2) A small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) *A judicial administration fee under (IC 33-37-5-21.2).*

~~(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

**(6) A judicial salaries fee (IC 33-37-5-26).**

~~(c) This section applies after June 30, 2005.~~

SECTION 7. IC 33-37-4-7, AS AMENDED BY P.L.85-2004, SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

(1) IC 6-4.1-5 (determination of inheritance tax).

(2) IC 29 (probate).

(3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) *A judicial administration fee under (IC 33-37-5-21.2).*

~~(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

**(6) A judicial salaries fee (IC 33-37-5-26).**

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

(2) Filing an inheritance tax return, unless proceedings other than

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the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 8. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26. (a) This subsection does not apply to the following:**

**(1) A criminal proceeding.**

**(2) A proceeding for an infraction violation.**

**(3) A proceeding for an ordinance violation.**

**In each action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee of nineteen dollars (\$19).**

**(b) In each action in which a person is:**

**(1) convicted of an offense;**

**(2) required to pay a pretrial diversion fee;**

**(3) found to have violated an infraction; or**

**(4) found to have violated an ordinance;**

**the clerk shall collect a judicial salaries fee of nineteen dollars (\$19).**

SECTION 9. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

**(1) IC 33-37-4-1(a) (criminal costs fees).**

**(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).**

**(3) IC 33-37-4-3(a) (juvenile costs fees).**

**(4) IC 33-37-4-4(a) (civil costs fees).**

**(5) IC 33-37-4-6(a)(1) (small claims costs fees).**

**(6) IC 33-37-4-7(a) (probate costs fees).**

**(7) IC 33-37-5-17 (deferred prosecution fees).**

**(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:**

**(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).**

**(2) Twenty-five percent (25%) of the alcohol and drug**

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countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund

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established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(2) for deposit in the county general fund.

*(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.*

~~*(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.*~~

~~(j) This section applies after June 30, 2005.~~

**(k) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee collected under IC 33-37-5-26.**

SECTION 10. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

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- 1 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 2 (3) IC 33-37-4-4(a) (civil costs fees).
- 3 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 4 (5) IC 33-37-5-17 (deferred prosecution fees).
- 5 (b) The city or town fiscal officer shall distribute monthly to the
- 6 county auditor as the county share twenty percent (20%) of the amount
- 7 of fees collected under the following:
- 8 (1) IC 33-37-4-1(a) (criminal costs fees).
- 9 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 10 (3) IC 33-37-4-4(a) (civil costs fees).
- 11 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 12 (5) IC 33-37-5-17 (deferred prosecution fees).
- 13 (c) The city or town fiscal officer shall retain twenty-five percent
- 14 (25%) as the city or town share of the fees collected under the
- 15 following:
- 16 (1) IC 33-37-4-1(a) (criminal costs fees).
- 17 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 18 (3) IC 33-37-4-4(a) (civil costs fees).
- 19 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 20 (5) IC 33-37-5-17 (deferred prosecution fees).
- 21 (d) The clerk of a city or town court shall distribute semiannually to
- 22 the auditor of state for deposit in the state user fee fund established in
- 23 IC 33-37-9 the following:
- 24 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 25 interdiction, and corrections fees collected under
- 26 IC 33-37-4-1(b)(5).
- 27 (2) Twenty-five percent (25%) of the alcohol and drug
- 28 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 29 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 30 (3) One hundred percent (100%) of the highway work zone fees
- 31 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 32 (4) One hundred percent (100%) of the safe schools fee collected
- 33 under IC 33-37-5-18.
- 34 (5) One hundred percent (100%) of the automated record keeping
- 35 fee (IC 33-37-5-21).
- 36 (e) The clerk of a city or town court shall distribute monthly to the
- 37 county auditor the following:
- 38 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 39 interdiction, and corrections fees collected under
- 40 IC 33-37-4-1(b)(5).
- 41 (2) Seventy-five percent (75%) of the alcohol and drug
- 42 countermeasures fees collected under IC 33-37-4-1(b)(6),

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IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.*

~~(g)~~ (h) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.*

~~(h)~~ This section applies after June 30, 2005.

(i) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee collected under IC 33-37-5-26.**

SECTION 11. IC 33-37-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~six eight million seven one hundred four ninety-two thousand two six hundred fifty-seven eighty-six~~ **six eight million seven one hundred four ninety-two thousand two six hundred fifty-seven eighty-six** dollars (~~\$6,704,257~~) **(\$8,192,686)** for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to ~~eleven nine and eight-hundredths~~ **eleven nine and seven hundredths** percent (~~11.08%~~) **(9.07%)**;

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~twenty-five thirty-eight and twenty-one~~ **twenty-five thirty-eight and twenty-one** hundredths percent (~~25.21%~~) **(38.75%)**;

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to ~~three two and fifty-two~~ **three two and fifty-two** hundredths percent (~~3.52%~~) **(2.89%)**;

(4) the law enforcement training fund established by IC 5-2-1-13

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an amount equal to ~~fourteen eleven and nineteen-hundredths~~  
~~sixty-two hundredths~~ percent (~~14.19%~~); **(11.62%)**;

(5) the violent crime victims compensation fund established by  
 IC 5-2-6.1-40 an amount equal to ~~sixteen thirteen and~~  
~~fifty-hundredths~~ **fifty-one hundredths** percent (~~16.50%~~);  
**(13.51%)**;

(6) the motor vehicle highway account an amount equal to  
~~twenty-six twenty-two and ninety-five six hundredths~~ percent  
~~(26.95%)~~; **(22.06%)**;

(7) the fish and wildlife fund established by IC 14-22-3-2 an  
 amount equal to ~~thirty-two~~ **twenty-seven** hundredths of one  
 percent (~~0.32%~~); **(0.27%)**; and

(8) the Indiana judicial center drug and alcohol programs fund  
 established by IC 12-23-14-17 for the administration,  
 certification, and support of alcohol and drug services programs  
 under IC 12-23-14 an amount equal to ~~two one and twenty-three~~  
~~eighty-three~~ hundredths percent (~~2.23%~~); **(1.83%)**;

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of  
 state shall transfer to the treasurer of state for deposit into the public  
 defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million  
 seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million two hundred thousand dollars  
 (\$2,200,000).

SECTION 12. IC 33-38-5-6 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The total annual  
 salary of each full-time judge of a circuit, superior, municipal, county,  
 or probate court is:

(1) ~~ninety one hundred twenty-one~~ thousand ~~one hundred~~  
~~twenty-two~~ dollars (~~\$90,000~~); **(\$121,122)** paid by the state; and

(2) any additional salary provided by the county under  
 IC 36-2-5-14 or IC 36-3-6-3(c).

The state shall deposit quarterly the money received from the counties  
 under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each  
 county shall certify to the division of state court administration the  
 amounts, if any, to be provided by the county during the ensuing  
 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county  
 shall determine for each judge whether the total of:

(1) the payment made on behalf of that judge;

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(2) previous payments made on behalf of that judge in the same calendar year; and

(3) the state share of the judge's salary under subsection (a); exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

(1) is established by the state;

(2) applies to a judge who is covered by this section; and

(3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 13. IC 33-38-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The total annual salary for each justice of the supreme court is one hundred ~~fifteen~~ **forty-three** thousand **one hundred ninety-five** dollars ~~(\$115,000)~~. **(\$143,195).**

(b) The total annual salary for each judge of the court of appeals is one hundred ~~ten~~ **thirty-nine** thousand **nine hundred fifty-one** dollars ~~(\$110,000)~~. **(\$139,951).**

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to salary, the state shall pay to a justice or judge, in equal monthly payments on the first day of each month from money in the state general fund not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties:

(1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.

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- 1 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
- 2 of the court of appeals.
- 3 (3) Three thousand dollars (\$3,000) to each justice of the supreme
- 4 court who is not the chief justice.
- 5 (4) Three thousand dollars (\$3,000) to each judge of the court of
- 6 appeals who is not the chief judge.
- 7 A justice or judge is not required to make an accounting for an
- 8 allowance received under this subsection.
- 9 (e) The state may not furnish automobiles for the use of justices or
- 10 judges compensated under this section.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1777, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004, SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) *A judicial administration fee under IC 33-37-5-21.2.*
- ~~(9)~~ **(10) A judicial insurance adjustment fee under IC 33-37-5-25.**
- (11) A judicial salaries fee under IC 33-37-5-26.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number."

Page 7, line 26, delete "IC 33-37-1-1," and insert "**IC 33-37-1-1 or IC 33-34,**".

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1777 as introduced.)

THOMAS, Chair

Committee Vote: yeas 11, nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1777, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 18, nays 3.

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